

CAUSE NO: _____

Elba Pabón Ojeda

Plaintiff,

v. dba Takata Airbags

TK Holdings, Inc.

Defendant.

IN THE _____

B - 20 - 99

United States District Court
Southern District of Texas
FILED

JUL - 8 2020

David J. Bradley, Clerk of Court

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCOVERY

PLAINTIFF, proceeding *pro se*, brings this complaint for damages and alleges as follows:

I. DISCOVERY LEVEL

1. Pursuant to Rule _____, *Texas Rules of Civil Procedure*, this is

II. REQUEST FOR DISCLOSURES

2. Pursuant to Rule 194, *Texas Rules of Civil Procedure*, you are within 50 days of service of this request, all information required

III. PARTIES

3. Plaintiff is

an individual who resides in Cameron County, Texas

Defendant is:

a business that went bankrupt!

U.S. Bankruptcy Court Trustee

c/o Mr. Eric D. Green, Special Master

District of Delaware

TK Holdings, Inc., et al.

case # 17-11375 (BLS)

824 Market Street N. 3rd Floor

Wilmington, Delaware, 19801

5. Venue is proper in Cameron County because, the actions giving rise to this Complaint occurred in Cameron County and Defendant Resides in an unknown County but does business in Cameron County. The damages claimed in this complaint do not exceed the jurisdictional limits of this Court.

V. FACTS ALLEGED

6. July 9th 2018 we were involved in a car accident, the airbag deployed with excessive force causing injuries in both of my eyes burning my face and hair

7. As a result of my eyes injuries I had 2 surgeries on my right eye and one on my left eye; due to a rupture on the right cornea.

8. My vision will never be the same, I still see blur in my right eye and I can't see the distance between stone steps, I fell at the Courthouse in Brownsville, Texas from the fourth step.

VI. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF:

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES, page _____ of _____

_____. Plaintiff re-alleges and incorporates all prior allegations in this Petition as if fully set forth here.

_____. Defendant's actions, as described above, have caused Plaintiff the following damages:

Loss of vision, an amount of pain that cannot be described, and a lot of suffering

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VII. PRAYER FOR RELIEF

_____. WHEREFORE, Plaintiff requests the following relief:

A money award judgment against defendant for \$ 3,000,000.00
PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURES, page

of ____

- A money award judgment entered against Defendant for Plaintiff's damages, which are within the jurisdictional limits of this court.
- An award of post-judgment interest on any money damages awarded at the current statutory rate.
- Plaintiff's reasonable costs and disbursements for bringing this action.
- Any and all other relief the Court deems just and reasonable under the circumstances.

Respectfully submitted on: 7/8/2020

By: Ella Iris Pablo Ojeda
Ella Pablo Ojeda

Plaintiff, pro se
P.O. Box 2077 So. Padre Island, Tx
78597
469-516-8877
ella.pablobc23@gmail.com

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOSE L. VAHIS - Vice PRES
NISSAN NORTH AMERICA INC
ONE NISSAN WAY
FRANKLIN, TN 37067



9590 9402 5586 9274 6294 03

2. Article Number (Transfer from service label)

7019 1640 0000 3002 6083

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Rec

A. Signature

 X
 Agent
 Addre
B. Received by (Printed Name)
Alison S. Rice

C. Date of Del

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Priority Mail Express
- Registered Mail™
- Registered Mail Rec Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Red Mail
- Red Mail Restricted Delivery
- (over \$500)

SENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CHARLIE CLARK
D-BA CHARLIE CLARK NISSAN
3500 W Exaly 83
Hartlinger, TX 78352



9590 9402 5586 9274 6294 27

2. Article Number (Transfer from service label)

7018 0360 0001 2552 6451

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Rec

A. Signature

 X
 Agent
 Addre

B. Received by (Printed Name)

C. Date of Del

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Priority Mail Express
- Registered Mail™
- Registered Mail Rec Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Red Mail
- Red Mail Restricted Delivery
- (over \$500)

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only**

For delivery information, visit our website at www.usps.com®.

HARLINGEN TX 78552	
LUFKIN TX 75966	
0080 02	
Postmark Here	
Certified Mail Fee \$3.55 Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$1.00 <input type="checkbox"/> Return Receipt (electronic) \$1.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$1.00 <input type="checkbox"/> Adult Signature Required \$1.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$1.00	
Postage \$1.40	
Total Postage and Fees \$7.80	
JUN 8 2020	
USPS 06/08/2020	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

See Reverse for Instructions

PS Form 3800, April 2015 PSN 7530-02-000-9047

For delivery information, visit our website at www.usps.com®.

FRANKLIN TN 37067	
LUFKIN TX 75966	
0080 02	
Postmark Here	
Certified Mail Fee \$3.55 Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$1.00 <input type="checkbox"/> Return Receipt (electronic) \$1.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$1.00 <input type="checkbox"/> Adult Signature Required \$1.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$1.00	
Postage \$1.40	
Total Postage and Fees \$7.80	
JUN 8 2020	
USPS 06/08/2020	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

See Reverse for Instructions

PS Form 3800, April 2015 PSN 7530-02-000-9047

For delivery information, visit our website at www.usps.com®.

WILMINGTON DE 19801	
LUFKIN TX 75966	
0080 02	
Postmark Here	
Certified Mail Fee \$3.55 Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$1.00 <input type="checkbox"/> Return Receipt (electronic) \$1.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$1.00 <input type="checkbox"/> Adult Signature Required \$1.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$1.00	
Postage \$1.40	
Total Postage and Fees \$7.80	
JUN 8 2020	
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Sent To	
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City, State, ZIP+4®	

See Reverse for Instructions

PS Form 3800, April 2015 PSN 7530-02-000-9047

July 9th 2018 we were involved in car accident in Tex. Fresno, Texas.

The front passenger airbag deployed with so much force that hit my face, eyes, burned my hair and face, I suffered a cut on my right eyebrow I thought the bone was broken. Both of my eyes were bruised, and as a result I had 2 surgeries on my right eye and one on my left eye. I still have radio opaque (particles without color) on my forehead, between my eyes next to my left nostril, the side of my face and in the neck. As I explained before the airbag deployed with excessive force. I was unconscious for a few minutes, I include my medical record from the E.R. and from Hammond Eye Associates. My right eye hasn't healed yet. I'm still off balance and I can't see well the difference between steps. My glasses correct my right eye because I still see blur. We were not aware that the vehicle, a 2017 Nissan Altima had a recall since 4/29/2016. More than a year prior to be assembled, the sensor of the front passenger airbag had the recall.

According to NHTSA after more than 6,000 complaints they decided to investigate by calling different dealerships and none of the vehicles was touched. Nissan is not suppose to use Takata airbags since 2015.



From:

7/8/2020

Elba Pabon Ojeda

P.O. Box 2077

So. Padre Island, TX 78597

Tele# 469-516-8877

e-mail: elba.pabon23@gmail.com

another# 713-449-6620

daughter Maria Barro

Any information you need we can
provide, call or send a message

Thank you

EBA